

**Tax Map/Block/Parcel**  
**No. 3-21-9**  
**Case 6005**

**OFFICIAL DECISION**  
**BOARD OF ZONING APPEALS**  
**CARROLL COUNTY, MARYLAND**

**APPLICANT:** Vertical Bridge Development II, LLC  
For Verizon Wireless  
Attn: Raul Garcia  
For: Tina and Ray Feeser  
750 Park of Commerce Drive, Suite 200  
Boca Raton, FL 33487

**ATTORNEY/  
CONSULTANT:** Network Building and Consulting, LLC  
Attn: Alexandra Bull  
6095 Marshalee Drive, Ste. 300  
Elkridge, MD 21075

**REQUEST:** An application for a Conditional Use for a telecommunication facility consisting of a 195' tall monopole located in a fenced-in compound with accessory equipment and a backup generator, and a reduction of the required driveway width from 18' to 12'.

**LOCATION:** The site is located at 5214 Babylon Road, Taneytown, Maryland, on land zoned "A" Agricultural District, in Election District 7.

**BASIS:** Code of Public Local Laws and Ordinances, Sections 155.078(C)(2) and 158.039(C).

**HEARING HELD:** March 28, 2017

**FINDINGS AND CONCLUSION**

On March 28, 2017, the Board of Zoning Appeals (the Board) convened to hear the application for a Conditional Use for a telecommunication facility consisting of a 195' tall monopole located in a fenced-in compound with accessory equipment and a backup generator, and a reduction of the required driveway width from 18' to 12'. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

Alexandra Bull testified on behalf of the application for Vertical Bridge Development II, LLC. The applicant's plan is to construct a 195' tall monopole (199' including the 4' lightning rod). Verizon desires to improve and increase wireless telecommunications signal coverage in the area of the proposed facility, along Babylon Road, north toward the Pennsylvania line, east along Blacks Schoolhouse Road toward Route 97, and west toward Francis Scott Key Highway.

The application included propagation maps which showed the existing coverage without the facility, and the proposed coverage with the facility. As shown on the existing propagation map, there is very little to no existing coverage in this area.

The proposed facility will consist of a 195' tall monopole, with Verizon panel antennas mounted at a rad center height of 190', and accessory equipment cabinets and a generator near the base of the tower, within a 50' x 50' fenced-in compound. The tower would allow for other carriers to collocate on it.

The subject property was selected primarily because of its geographic location. To the best of applicant's knowledge, there are no existing telecommunication facilities anywhere in the vicinity. A search of the FCC's database showed no existing registered antenna structures within a 4 km radius. The parcel is relatively large, which will allow the tower to comply with required setbacks from the property lines. There is no forest area on the subject parcel; however, the nearest adjacent residence is more than 560' away, and there are some forested areas on the adjacent parcels which will help to visually buffer those properties from the proposed tower. The compound area itself will be partially visible from the road, but landscape screening and fencing is proposed, as shown on the plans.

There are no other tall structures in the vicinity such as a water tank or transmission tower on which Verizon could collocate their antennas. There are several farms in the vicinity but any existing silos are either too short to be viable for antenna collocation, or structurally unsuitable for extending the height.

Paul Dugan, the president with Millenium Engineering, P.C., testified in the field of radio frequency engineering and civil engineering. He is a licensed engineer. He testified that he worked on thousands of cell tower matters. Mr. Dugan also testified that there was a significant gap in coverage in the subject area. The proposed cell tower site was supposed to address this gap in coverage. The proposed site would provide new coverage to the northern portion of Carroll County.

In the first page of Exhibit 8, the white areas show dead zones for cell phone coverage. The red areas demonstrate reliability issues for coverage. Verizon's goal is to have a minimum of red areas. The closest existing cell phone towers are located in Taneytown (4 miles away), Mayberry (4 ½ miles away) and Union Mills (4 ½ miles away).

A March 16, 2017, letter was written by Robert P. Hunnicutt with CTC Technology & Energy to Jay C. Voight, Zoning Administrator. Mr. Hunnicutt was retained by the County to provide a facility location analysis application. In the Conclusions and Recommendations section the following was written: "Based on our review of the Location Analysis Application, we recommend the monopole and antennas as proposed by Verizon Wireless." "The maps showing existing coverage supports a need to improve service in this vicinity at the frequencies on which Verizon Wireless transmits to support its Long Term Evolution technology used by today's smartphones and other wireless devices." He agreed on the conclusion that there were no existing structures in the vicinity of the proposed property that could be used in lieu of a new monopole to support the proposed antennas.

Lee Afflerback testified on behalf of CTC Technology & Energy. He is the chief engineer for CTC. He concurred with the presentation made by Verizon to the Board.

Jay Voight, Zoning Administrator testified that he did not have a problem with reducing the driveway from the required 18' to the requested 12'. Such a variance had been approved by the Board for cell towers in the past. The purpose of the driveway is for commercial uses and residents would not be using it.

A March 13, 2017 memorandum by Lynda Eisenberg, Chief, and Clare Williams, Planning Technician, stated that the matter had been reviewed for consistency with the policies and recommendations contained in the *Carroll County Master Plan*, the *Carroll County Water & Sewer Master Plan*, and other plans. The staff finding was that the applicant's request is consistent with the *2014 Carroll County Master Plan* and would not have an adverse effect on the current use of the property or its environs.

The Board found that once construction was completed that traffic would be minimal. There was testimony that there might be one trip to the site a month. The site would not create dust or odor. Noise would not be a problem either. When the generator was tested on a weekly basis there might be a humming sound to nearby residents for a short portion of a day. That was basically the only evidence of any sounds created by the site. The monopole would not have lighting because it was too low to accommodate the need for lights due to air traffic. The monopole was less of a problem and utilized less space than the self-supporting towers or the guide towers. The Board further found that property values would not decrease as a result of the monopole at this location.

The Board was convinced that authorization of the request with regard to a conditional use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board recognized that citizens needed cell phone and internet service in today's world. The Board approved the conditional use requested by the applicant. The Board also approved the requested variance for a reduction of the required driveway width from 18' to 12'. With the nominal traffic going to the site it made little sense to have a two lane road. Such a road would decrease agricultural land and provide little to no benefit.

March 28, 2017  
Date

Melvin E. Baile, Jr.  
Melvin E. Baile, Jr., Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.